

### **REMARKS**

Applicants' representative would like to thank Examiner Rodriguez for the courtesies extended during an interview conducted on August 2, 2006. During the interview, the Examiner explained that the Office Action mailed July 27, 2006, was issued in response to the Amendment filed April 28, 2006, which the Examiner asserts was not fully responsive to the prior Office Action (mailed November 28, 2005). The Examiner explained that Applicants did not address the rejection of Claims 1-29 and 71 under 35 U.S.C. § 103(a) in the Amendment filed April 28, 2006. Upon a review of PAIR, Applicants further note that the Examiner has not completed an Interview Summary.

Applicants' representative explained to the Examiner that the rejection of Claims 1-29 and 71 under 35 U.S.C. § 103(a) were not extensively addressed in the Amendment filed April 28, 2006, because the previous Examiner (Examiner Emmanuel Sayoc) agreed that Claims 1-29 and 71 are allowable over the cited prior art of record during an interview conducted on March 8, 2006. Because Examiner Sayoc did not complete an Interview Summary, the Examiner asserts that the interview conducted on March 8, 2006, is not of record.

Applicants' representative asserts that the Amendment filed on April 28, 2006, was fully responsive to the Office Action mailed November 28, 2005, as Claims 1-29 and 71 are believed to be in condition for allowance based on the comments of Examiner Sayoc made during the above-referenced interview conducted on March 8, 2006. Nonetheless, Applicants understand the position of Examiner Rodriguez and supplement their response to the Office Action mailed July 27, 2006, as follows.

Claims 1-29, 71, and 75-120 are now pending in the application. By this paper, Claims 30-70 and 72-74 have been cancelled without prejudice or disclaimer of the subject matter contained therein, and 75-120 have been added. The basis for these new claims can be found throughout specification, claims, and drawings originally filed. No new matter has been added. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Doecker et al. (U.S. Pat. No. 6,213,731) and Suefuji et al. (U.S. Pat. No. 6,267,572).

Claims 1-29, and 31-74 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Doecker et al. (U.S. Pat. No. 6,213,731) as modified by Suefuji et al. (U.S. Pat. No. 6,267,572), as applied to related structure in the rejection of Claim 30, and in further view of Osada et al. (JP 10-037866).

These rejections are respectfully traversed.

At the outset, Applicants note that Claims 1-29 and 71 were allowed over the prior art of record in the Office Action mailed April 4, 2005. As noted above, Examiner Sayoc agreed that Claims 1-29 and 71 are allowable over the cited art of record during the interview of March 8, 2006, and indicated that the rejection of Claims 1-29 and 71 in the Office Action mailed November 28, 2005, was in error. Nonetheless, Applicants

hereby provide a more detailed analysis of the rejection as it pertains to the combination of Doepker, Suefuji, and Osada.

Independent Claims 1 recites a scroll machine including an oil sump disposed between an outer shell of the scroll machine and a mounting frame. The combination of Doepker, Suefuji, and Osada fails to teach or suggest an oil sump disposed between an outer shell of a scroll machine and a mounting frame.

Doepker is directed to a scroll compressor having a single compressor assembly and therefore fails to teach or suggest a mounting frame that is attached to a *pair* of scroll compressors. While each of Suefuji and Osada disclose a plural compressor arrangement, neither reference discloses a mounting frame attached to first and second scroll compressors or an oil sump disposed between an outer shell of a compressor and a mounting frame. With regard to Suefuji, Applicants note that Suefuji is completely silent with respect to inclusion of an oil sump and therefore fails to teach or suggest positioning such an oil sump between a mounting frame and a shell of a compressor. Furthermore, Suefuji fails to disclose a mounting frame attached to first and second scroll compressors.

Osada appears to disclose an oil reservoir (9) disposed between a pair of scroll compressors, but fails to disclose a mounting frame attached to either of the scroll compressors, or that the oil reservoir is disposed between a mounting frame and an outer shell of the compressors. Rather, Osada discloses a plural compressor arrangement having a supply of oil located generally near a bottom portion of an outer shell of the compressor. See Osada at Figures 1 and 3. While the supply of oil is

disposed adjacent to an outer shell of the compressor, the supply of oil is not disposed between the outer shell and a mounting frame of the compressor.

In light of the foregoing, Applicants respectfully submit that independent Claim 1, as well as Claims 2-29 and 71, dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **NEW CLAIMS**

New Claims 75-120 are added for consideration and are believed to be in condition for allowance in light of the foregoing remarks. Support for new Claims 75-120 can be found throughout the specification, claims, and drawings originally filed. Specifically, recitation of an oil sump being disposed between an outer shell of a scroll machine and a mounting frame is supported by the specification at Col. 3, Ins. 4-23, and Figures 1, 2, and 12. Applicants also directs the Examiner to Col. 4, Ins. 34-40, Col. 5, Ins. 11-59, and Figures 2 and 12, which support the claims directed to a capacity modulation system for use with the scroll machine of the present teachings.


As noted above, the cited art of record fails to disclose a scroll machine having an oil sump disposed between an outer shell of the scroll machine and a mounting frame of the scroll machine. Because each of independent Claims 75 and 76 recite a scroll machine having an oil sump disposed between an outer shell of the scroll machine and a mounting frame of the scroll machine, independent Claims 75 and 76, as well as Claims 77-120, respectively dependent therefrom, are believed to be in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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